

Appl. No.: 10/660,004
Filed: September 11, 2003
Amdt. dated 11/02/2005

REMARKS

This Amendment is filed concurrently with a Request for Continued Examination (RCE) in response to the final Official Action of May 5, 2005, and the Advisory Action of September 21, 2005. The final Official Action and Advisory Action reject Claims 1-16 and 18-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,035,203 to Hanson. In addition, the final Official Action and Advisory Action reject Claim 17 as being unpatentable over the Hanson patent, in view of U.S. Patent Application Publication No. 2002/0060215 to Graham. As explained below, Applicants respectfully submit that the claimed invention of the present application is patentably distinct from the Hanson patent and Graham publication, taken individually or in combination. As such, Applicants respectfully traverse the rejections of the claims as being anticipated by the Hanson patent, or as unpatentable over the Hanson patent in view of the Graham publication. Nonetheless, Applicants have amended independent Claims 1 and 19, and dependent Claim 25, to more clearly define the claimed invention, as also explained below. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

A. Claims 1-6 and 19-25 are Patentable

Amended independent Claims 1 and 19 recite a method and computer program product for obtaining a terminal location. As recited, the method includes defining at least one connection of the terminal. The terminal is monitored for establishment of a defined connection where, the defined connection is established by the terminal. The terminal is also monitored for termination of the defined connection after the defined connection is established. Termination of the defined connection, then, triggers obtaining a location of the terminal. As amended, the monitoring steps are performed at the terminal such that termination of the defined connection triggers the terminal to obtain the location of the terminal.

As explained in response to the first Official Action and during the telephone interview, in contrast to the claimed invention of amended independent Claims 1 and 19, the Hanson patent does not teach or suggest monitoring a terminal for a connection established by the terminal, and

Appl. No.: 10/660,004
Filed: September 11, 2003
Amdt. dated 11/02/2005

accordingly monitoring the terminal for termination of the established connection, the termination triggering obtaining the location of the terminal. Further, the Hanson patent does not teach or suggest a terminal monitoring itself for establishment and termination of a connection, or being triggered to obtain its location upon termination of an established connection.

At column 2, lines 10-15, the Hanson patent does explain that the location of the MTU is recorded at the time of disconnect of a call. Because the Hanson patent is silent as to the origin of such a call, whether at the MTU or the cellular network, the Examiner interprets this disclosure as referring to calls originating with either the MTU or the cellular network. As explained in response to the first Official Action and during the telephone interview, however, as the act of establishing a call by the terminal locates the terminal in the cell including the base station with which the terminal establishes communication, the location of the terminal need not be recorded upon disconnect of an MTU originated call since the location is already known from establishment of the call. See Hanson Patent, column 1, lines 25-27. Thus, in accordance with the only reasonable interpretation of the passage at column 2, lines 10-15, the location of the MTU is recorded at the time of disconnect of a network originated call and not an MTU originated call. See also *id.* at column 4, lines 11-12 (explaining that “[t]he process starts when a call comes in for the target MTU” – emphasis added). In contrast, the claimed invention recites obtaining the location of the terminal in response to a connection established by the terminal (e.g., a call coming from the terminal).

Moreover, consider for the sake of argument (although expressly not admitted as such) that the Hanson patent could reasonably be interpreted to disclose recording the location of the MTU at the time of disconnect of an MTU-originated call. Even in such an instance, Applicants respectfully submit that under no reasonable interpretation does the Hanson patent teach or suggest that the terminal itself monitors for establishment and termination of a connection, where termination of the connection triggers the terminal to obtain its location, as recited by amended independent Claims 1 and 19. As disclosed by the Hanson patent, to permit a cellular network or system to locate a zone or location where a target MTU is most likely found, the MTU performs a periodic registration process that “allows the cellular system to locate the cell in which the MTU can presently be found.” Column 1, lines 42-52 (emphasis added). In this regard, the

Appl. No.: 10/660,004
Filed: September 11, 2003
Amdt. dated 11/02/2005

Hanson patent discloses a mobile switching center (MSC) of a cellular system, where the MSC includes a call processing and database node (CDN). The CDN, in turn, "maintains a record of the most recent location ("new cell") where a particular MTU was most recently located and the time of the registration or location of that MTU." *Id.* at column 3, lines 33-36; and see FIG. 1. Thus, as disclosed by the Hanson patent, the cellular network records the location of the MTU, as opposed to the MTU recording or otherwise obtaining its location, similar to the terminal of the claimed invention.

Applicants also again note that as the Hanson patent is concerned with locating a mobile for mobile terminated calls, the cellular network is the only disclosed entity having a need for the mobile's location. More particularly, the Hanson patent provides a system and method for locating MTU within a cell of a cellular network such that the cellular network can terminate or otherwise establish a call at the terminal, including directing a page to the terminal via a base station of the respective cell. Thus, the MTU disclosed by the Hanson patent would have no need to obtain its own location for the cellular network to locate it for MTU-terminating calls. If the MTU were enabled to obtain its own location similar to the terminal of the claimed invention, the MTU would be required to transmit that location to the cellular network for use thereby to locate the MTU during a MTU-terminated call. However, as the mere transmission of a signal from the MTU allows the cellular network to obtain the location of the MTU, further including the MTU's location within such a signal would be superfluous and unnecessary.

Applicants therefore respectfully submit that the claimed invention of amended independent Claims 1 and 19, and by dependency Claims 2-6 and 20-25, is patentably distinct from the system and method of the Hanson patent. Applicants also respectfully submit that various ones of dependent Claims 2-6 and 20-25 recite features further patentably distinct from the Hanson patent. For example, amended dependent Claim 25 recites that the connection established and terminated comprises a short-range connection. In the final Official Action, the Examiner interpreted the cellular network connection between the MTU and base station as a short-range connection. Applicants respectfully submit, however, that under no circumstance would one skilled in the art interpret a short-range connection to include that between a cellular network and a MTU. Nonetheless, Applicants amended dependent Claim 25 to further recite that

Appl. No.: 10/660,004
Filed: September 11, 2003
Amdt. dated 11/02/2005

at least one short-range connection is selected from the group consisting of an infrared connection, a radio frequency identification (RFID) connection and a Bluetooth connection. Applicants respectfully submit that not only does the Hanson patent not teach or suggest a short-range connection, the Hanson patent does not more particularly teach or suggest any of an infrared, Bluetooth or RFID connection being the connection the termination of which triggers the terminal to obtain its location, as recited by amended dependent Claim 25.

Applicants therefore respectfully submit that, for at least the reasons given above, the rejections of Claims 1-6 and 19-25 as being anticipated by the Hanson patent is overcome.

B. Claims 7-18 are Patentable

Independent Claims 7 and 13 recite a system and terminal. As recited, the system includes a terminal capable of establishing, and thereafter terminating, one or more defined connection(s), similar to the method and computer program product of amended independent Claims 1 and 19. As also recited, the terminal is capable of being triggered to obtain a location of the terminal upon termination of a defined connection. The system also includes a location provider capable of determining the location of the terminal upon termination of the defined connection, and thereafter providing the location to the terminal.

Similar to amended independent Claims 1 and 19, and in contrast to the Hanson patent, independent Claims 7 and 13 recite a terminal obtaining its location in response to termination of a connection established by the terminal. Thus, Applicants respectfully submit that the claimed invention of independent Claims 7 and 13, and by dependency Claims 8-12 and 14-18, is patentably distinct from the Hanson patent, for at least the same reasons given above with respect to amended independent Claims 1 and 19.

Applicants therefore respectfully submit that the claimed invention of independent Claims 7 and 13, and by dependency Claims 8-12 and 14-18, is patentably distinct from the system and method of the Hanson patent. Likewise, as the Graham publication does not teach or suggest a terminal obtaining its location upon termination of a connection established by the terminal, Applicants respectfully submit that the claimed invention of independent Claims 7 and 13, and by dependency Claims 8-12 and 14-18, is also patentably distinct from the Graham

Appl. No.: 10/660,004
Filed: September 11, 2003
Amdt. dated 11/02/2005

publication, and thus the combination of the Hanson patent and Graham publication. Applicants therefore respectfully submit that, for at least the reasons given above, the rejections of Claims 7-18 as being anticipated by the Hanson patent, or as unpatentable over the Hanson patent in view of the Graham publication, is overcome.

Appl. No.: 10/660,004
Filed: September 11, 2003
Amdt. dated 11/02/2005

CONCLUSION

In view of the amendments to the claims and the remarks presented above, it is respectfully submitted that all of the claims of the application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,




Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at
Fax No. (571) 273-8300 on the date shown below.


Sarah B. Simmons

Nov. 2, 2005
Date

CLT01/4754683v1